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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/729,607

12/04/2000

Wilhelmus Jacobs Van Gestel

PHN 17,773

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02/23/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/729,607	VAN GESTEL ET AL.	
	Examiner	Art Unit	
	Vincent F. Boccio	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/13/01 & 4/24/01</u> | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Drawings

1. The drawings are objected to because.

{A} The examiner requires that Fig. 10, is amended to include TEXT labels, corresponding to all number designations for all elements.

Further, Figs. 1-9, various number designations also do not have Text labels which provide enough detail, which the examiner would like to see some more TEXT labels amended to the drawings, defining thereby indicating what is shown, for an faster understanding, without searching the specification for all related designation, for all re-viewing the drawings, such as the public and the examining core.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

The objection to the drawings will not be held in abeyance.

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Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Regarding claims 1-22, the phrase, "preferable", is deemed to be substantially the same as the phrase, "such as", which is deemed to render the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Please review all claims for the occurrences,

Claim 1, line 9 & 10;

Claim 9, lines 5 & 6;

Claim 10, claim 13, claim 22, there exists plural use of "preferable", please review all claims and amend accordingly.

3. Regarding claims 1-22, the phrases or recited claim language such as, "disk like", & "such as", are deemed to be substantially the same as the phrase, "such as", which is deemed to render the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Recited in claim 1; claim 10, claim 12.

Regarding claim 13, which recites, "disk like" & "such as", please review all claim language for occurrences and amend to positive definite claim limitations, please.

Correction Is Required

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, {5 & 17}, 9, 12-15, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimura (US 6,501,905).

Regarding claim 1, Kimura discloses and meets the limitations of recording a sequence of ordered real time information (Fig. 19, "Video and Audio Data"), associated with a method and corresponding apparatus, for recording to a disk type record media {such as an optical disk 8, such as Fig. 19, an apparatus}, the method comprising:

- applying a sequence of marks (extents), representing a sequence of information signals of a recording, along a spiral track on the disk (disk is deemed spiral), wherein the marks are allocated contiguously in fragments, the fragments being separately addressable, characterized by,
- allocating allocation extents of at least one fragment, with fragments within an allocation extent allocation contiguously, the allocation extents located {preferable ?????????},
- in a distributed manner over the recordable area of the disc with free space areas (col. 6, "reserved for future extension", col. 14, "The reserved (RBP 4) is reserved for future extension", dictated by "#00"), in the neighborhood of the separated allocations extents (see anchor, Fig. 2 and col. 8, table 4) of a subsequent recording (Fig. 6-7, Fig. 21, "Allocation Extent start and end", points with a link in the table, col. 4, "allocation extent

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strategy, wherein in accord to col. 6, "the anchor descriptor is located is reserved for future extension).

The examiner relies on the reference as a whole, all cols. and Figs., therefore, please review the reference completely prior to amending around the disclosed subject matter.

Regarding claim 2, since it is deemed that by recording audio and video signals, real time recording is disclosed in view thereof and therefore, allocating extents representing neighboring real time information signals in the ordered sequence of information signals, spatially (in time) in each other neighboring on the disc medium is met, based on the allocation extent strategy (col. 14, "(RBP 266) designates the number of partitions constituting the logical volume and coincides with the number of partition maps. The reserved (RBP 268) is reserved for future extension", also see cols. 8-9, 11, 30 table 40, etc.....).

Regarding claim 3, Kimura either record A-V and extents, either inwardly or outwardly along the radius of the medium, since in the alternative.

Claims {5 & 17}, 9, 12-15, 21 are deemed analyzed and discussed with respect to the claims and passages above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time

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any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims {6 & 18}, {7-8 & 19-20}, {10 & 22}, {11 & 23} are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US 6,501,905).

Regarding claims 6 and 18, Kimura meet the limitations as claimed but, fails to mention disclose the limitation of constant angular velocity during recording.

The examiner takes official notice that recording in a constant angular velocity is well known and considered an obvious design choice to record in a constant angular mode, as is obvious to those skilled in the art.

Regarding claims 7-8 & 19-20, Kimura fails to disclose wherein the medium is adapted to record marks of the optical type in mutual alternating spiral groove and land tracks and allocating an allocation extent in either or a groove or a land track, wherein the groove and land are allocated in opposite orders.

The examiner takes official notice recording groove and land alternating tracks and alternating recording, are considered well known, thereby enhancing recording density and access time, therefore, it would have been obvious to one skilled in the art to modify Kimura to record in a groove and land type scheme format, the extents in either, as would have been obvious to those skilled in the art.

Claims 10, 22 are deemed analyzed and discussed with respect to Kimura above, but, fails to disclose the limitation of simultaneous R & R which is deemed an intended use with respect to the system, allowing for recording while time shifted reproduction operations, which the examiner deems that this intended operation, is well known (the examiner takes official notice to the fact), further it is considered to be an intended use, deemed obvious by the examiner that recording A-V and extents areas, combination data structure, allows for various

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operations, such as simultaneous R & R, and is considered an obvious intended user with respect to the data structure, as is deemed obvious to those skilled in the art to apply this type of operation and known other with the data structure as claimed.

Claims 11 and 23, are deemed analyzed and discussed with respect to the claims above, but, as applied fails to disclose recording at a first rate, reading at a second rate different, wherein allocation of fragments, since deemed periodic in area, is deemed met.

The examiner takes official notice that recording of data and reproduction of data is known and obviously can be different, further it is considered deemed well known that reproduction or reading of a disk, the rates are higher than the writing to the same, more time to write than to read, therefore, it would have been obvious to those skilled in the art at the time of the invention allow a recording mode data rate be different from a write mode rate, as is obvious to those skilled in the art.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-23 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by FR 2 787 962 A Pub. Date 30 June 2000, cited in search report listed as a {X, P}, type reference

Since an, {X, P}, type reference the examiner requests a certified translation of priority document dated, 03 December 1999, which may be overcome in view of the priority date with respect to the reference cited in the search report.

Provisional Allowable Subject Matter

6. Claims 4, 16, would be allowable if rewritten to overcome

{A} the rejection(s) under 35 U.S.C. 112, 2nd paragraph and
{B} a translation having the claimed subject matter, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Regarding claims {combination of 4, 3, 2 & 1} & combination of 16, 15, 14 & 13}, the prior art fails to teach disclose or fairly suggest the combination of {3, 2 & 1}, or {15, 14 & 13}, the additional limitation of,

"continuing allocating allocation extents in a reverse order from the inner respectively to outer diameter of a recording area of the record medium when reaching the inner, respectively the outer diameter."

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vincent
2/22/05


VINCENT BOCCIO
PRIMARY EXAMINER